

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In the Claims:

Claim 4 (currently amended) The genetically modified plant cell according to Claim1, wherein the foreign nucleic acid molecule comprises:

- a. a DNA molecule, which codes at least one antisense RNA, which reduces expression of at least one endogenous gene encoding an OK1 protein;
- b. a DNA molecule, which by co-suppression effect reduces expression of at least one endogenous gene encoding an OK1 protein;or
- [c. a DNA molecule, which codes at least one ribozyme, which splits specific transcripts of at least one endogenous gene encoding an OK1 protein;]
- c[d]. a DNA molecule, which codes at least one antisense RNA and at least one sense RNA, wherein said antisense RNA and the said sense RNA form a double-stranded RNA molecule, which reduces expression of at least one endogenous gene encoding an OK1 protein[;]

- [e. a nucleic acid molecule introduced by *in vivo* mutagenesis, which leads to a mutation or an insertion of a heterologous sequence in at least one endogenous gene coding an OK1 protein, wherein the mutation or insertion reduces expression of a gene encoding an OK1 protein or results in the synthesis of inactive OK1 protein;
- f. a nucleic acid molecule, which encodes an antibody, wherein the antibody reduces activity of at least one OK1 protein by binding at least one OK1 protein;
- g. a DNA molecule comprising one or more transposons, wherein the integration of these transposons leads to a mutation or an insertion in at least one endogenous gene encoding an OK1 protein, which reduces expression of at least one gene coding an OK1 protein, or results in the synthesis of inactive OK1 proteins; or
- h. a T-DNA molecule, which, due to insertion in at least one endogenous gene coding an OK1 protein, reduces expression of at least one gene encoding an OK1 protein, or results in the synthesis of inactive OK1 protein].

Claim 7 (currently amended) The[A] plant according to claim 6, which is a starch storing plant.

Claim 8 (currently amended) The[A] plant according to claim 7, which is a wheat or maize plant.

Claim 9 (currently amended) The[A] plant according to claim 6, which has a high starch phenotype.

Claim 10 (currently amended) Propagation material of a plant [according to Claim 6]comprising one or more genetically modified plant cells according to Claim 1.

Claim 11 (currently amended) A harvestable plant part of a plant [according to Claim 6]comprising one or more genetically modified plant cells according to Claim 1.

Claim 14 (currently amended) The method according to Claim 12, wherein the foreign nucleic acid molecule comprises:

- a. a DNA molecule, which codes at least one antisense RNA, which reduces expression of at least one endogenous gene encoding an OK1 protein;
- b. a DNA molecule, which by co-suppression effect reduces expression of at least one endogenous gene encoding an OK1 protein;or
- [c. a DNA molecule, which codes at least one ribozyme, which splits specific transcripts of at least one endogenous gene encoding an OK1 protein;]
- g[d]. a DNA molecule, which codes at least one antisense RNA and at least one sense RNA, wherein said antisense RNA and the said sense RNA form a double-stranded RNA molecule, which

reduces expression of at least one endogenous gene encoding an OK1 protein[;]

[e. a nucleic acid molecule introduced by *in vivo* mutagenesis, which leads to a mutation or an insertion of a heterologous sequence in at least one endogenous gene coding an OK1 protein, wherein the mutation or insertion reduces expression of a gene encoding an OK1 protein or results in the synthesis of inactive OK1 protein;

f. a nucleic acid molecule, which encodes an antibody, wherein the antibody reduces activity of at least one OK1 protein by binding at least one OK1 protein;

g. a DNA molecule comprising one or more transposons, wherein the integration of these transposons leads to a mutation or an insertion in at least one endogenous gene encoding an OK1 protein, which reduces expression of at least one gene coding an OK1 protein, or results in the synthesis of inactive OK1 proteins; or

h. a T-DNA molecule, which, due to insertion in at least one endogenous gene coding an OK1 protein, reduces expression of at least one gene encoding an OK1 protein, or results in the synthesis of inactive OK1 protein].

Claim 38 (currently amended) The genetically modified plant cell according to Claim 2, wherein the foreign nucleic acid molecule comprises:

- a. a DNA molecule, which codes at least one antisense RNA, which reduces expression of at least one endogenous gene encoding an OK1 protein;
- b. a DNA molecule, which by co-suppression effect reduces expression of at least one endogenous gene encoding an OK1 protein; or
- [c. a DNA molecule, which codes at least one ribozyme, which splits specific transcripts of at least one endogenous gene encoding an OK1 protein;]
- c[d]. a DNA molecule, which codes at least one antisense RNA and at least one sense RNA, wherein said antisense RNA and the said sense RNA form a double-stranded RNA molecule, which reduces expression of at least one endogenous gene encoding an OK1 protein[;]
- [e. a nucleic acid molecule introduced by *in vivo* mutagenesis, which leads to a mutation or an insertion of a heterologous sequence in at least one endogenous gene coding an OK1 protein, wherein the mutation or insertion reduces expression of a gene encoding an OK1 protein or results in the synthesis of inactive OK1 protein;
- f. a nucleic acid molecule, which encodes an antibody, wherein the antibody reduces activity of at least one OK1 protein by binding at least one OK1 protein;

- g. a DNA molecule comprising one or more transposons, wherein the integration of these transposons leads to a mutation or an insertion in at least one endogenous gene encoding an OK1 protein, which reduces expression of at least one gene coding an OK1 protein, or results in the synthesis of inactive OK1 proteins; or
- h. a T-DNA molecule, which, due to insertion in at least one endogenous gene coding an OK1 protein, reduces expression of at least one gene encoding an OK1 protein, or results in the synthesis of inactive OK1 protein].

Claim 41 (currently amended) The[A] plant according to claim 40, which is a starch storing plant.

Claim 42 (currently amended) The[A] plant according to claim 41, which is a wheat or maize plant.

Claim 43 (currently amended) Propagation material of a plant [according to Claim 40]comprising one or more genetically modified plant cells according to Claim 2.

Claim 44 (currently amended) A harvestable plant part of a plant [according to Claim 40]comprising one or more genetically modified plant cells according to Claim 2.

Claim 47 (currently amended) The[A] plant according to claim 46, which is a starch storing plant.

Claim 48 (currently amended) The[A] plant according to claim 47, which is a wheat or maize plant.

Claim 49 (currently amended) Propagation material of a plant [according to Claim 46]comprising one or more genetically modified plant cells according to Claim 30.

Claim 50 (currently amended) A harvestable plant part of a plant [according to Claim 46]comprising one or more genetically modified plant cells according to Claim 30.

Claim 53 (currently amended) The[A] plant according to claim 52, which is a starch storing plant.

Claim 54 (currently amended) The[A] plant according to claim 53, which is a wheat or maize plant.

Claim 55 (currently amended) Propagation material of a plant [according to Claim 52]comprising one or more genetically modified plant cells according to Claim 31.

Claim 56 (currently amended) A harvestable plant part of a plant [according to Claim 52]comprising one or more genetically modified plant cells according to Claim 31.

Claim 58 (currently amended) The method according to claim 57, wherein the foreign nucleic acid molecule comprises:

- a. a DNA molecule, which codes at least one antisense RNA, which reduces expression of at least one endogenous gene encoding an OK1 protein;

- b. a DNA molecule, which by co-suppression effect reduces expression of at least one endogenous gene encoding an OK1 protein; or
- [c. a DNA molecule, which codes at least one ribozyme, which splits specific transcripts of at least one endogenous gene encoding an OK1 protein;]
- [d]. a DNA molecule, which codes at least one antisense RNA and at least one sense RNA, wherein said antisense RNA and the said sense RNA form a double-stranded RNA molecule, which reduces expression of at least one endogenous gene encoding an OK1 protein[;]
- [e. a nucleic acid molecule introduced by *in vivo* mutagenesis, which leads to a mutation or an insertion of a heterologous sequence in at least one endogenous gene coding an OK1 protein, wherein the mutation or insertion reduces expression of a gene encoding an OK1 protein or results in the synthesis of inactive OK1 protein;
- f. a nucleic acid molecule, which encodes an antibody, wherein the antibody reduces activity of at least one OK1 protein by binding at least one OK1 protein;
- g. a DNA molecule comprising one or more transposons, wherein the integration of these transposons leads to a mutation or an insertion in at least one endogenous gene encoding an OK1

protein, which reduces expression of at least one gene coding an OK1 protein, or results in the synthesis of inactive OK1 proteins; or

h. a T-DNA molecule, which, due to insertion in at least one endogenous gene coding an OK1 protein, reduces expression of at least one gene encoding an OK1 protein, or results in the synthesis of inactive OK1 protein].

New claims 60-62 were added as follows:

Claim 60 (New) A genetically modified plant cell comprising at least one foreign nucleic acid molecule comprising a T-DNA molecule, which, due to insertion in at least one endogenous gene coding an OK1 protein, reduces expression of at least one gene encoding an OK1 protein, or results in the synthesis of inactive OK1 protein, wherein said genetically modified plant cell has a reduced activity of at least one OK1 protein in comparison with corresponding wild type plant cells that have not been genetically modified.

Claim 61 (New) A plant comprising one or more plant cells according to Claim 60.

Claim 62 (New) A method of manufacturing a genetically modified plant comprising:

a) genetically modifying a plant cell by introducing at least one foreign nucleic acid molecule comprising a T-DNA molecule, which, due to insertion in at least one endogenous gene coding an OK1 protein, reduces expression of at least one gene encoding an OK1 protein, or results in the

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synthesis of inactive OK1 protein, wherein said genetically modified plant cell has a reduced activity of at least one OK1 protein in comparison with corresponding wild type plant cells that have not been genetically modified;

b) regenerating a plant from one or more genetically modified plant cells from Step a); and

c) optionally producing one or more additional plants from a plant according to Step b) wherein the plants comprise the T-DNA molecule.

Authorization for this examiner's amendment was given in a telephone interview with Alex Spiegler on 11/05/2010.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENT PAGE whose telephone number is (571)272-5914. The examiner can normally be reached on Monday-Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571)-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Brent T Page

/Anne Marie Grunberg/

Supervisory Patent Examiner, Art Unit 1638